

Chapter 241

(Senate Bill 1081)

AN ACT concerning

**Mental Health – Voluntary and Involuntary Admissions – Certification by
Psychiatric Nurse Practitioners**

FOR the purpose of defining “psychiatric nurse practitioner” for purposes of certain provisions of law relating to the voluntary and involuntary admissions of individuals to certain facilities for the treatment of mental disorders; prohibiting a certificate signed by a psychiatric nurse practitioner for the involuntary admission of an individual to certain facilities for the treatment of a mental disorder from being used for an admission under certain circumstances; requiring a facility operated by the Department of Health and Mental Hygiene to receive and evaluate an individual, within a certain number of hours of notification by a psychiatric nurse practitioner, for an involuntary admission for the treatment of a mental disorder under certain circumstances; making a conforming change; making this Act an emergency measure; and generally relating to the standards for voluntary and involuntary admissions to facilities for the treatment of mental disorders.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–601, 10–616, and 10–619
Annotated Code of Maryland
(2015 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

10–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Clinical social worker” means an individual who is licensed under Title 19 of the Health Occupations Article to practice clinical social work.
- (c) “Licensed clinical marriage and family therapist” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical marriage and family therapy.
- (d) “Licensed clinical professional counselor” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical professional counseling.

(e) “Physician” means an individual who is licensed under Title 14 of the Health Occupations Article to practice medicine in this State.

(F) “PSYCHIATRIC NURSE PRACTITIONER” MEANS AN INDIVIDUAL WHO IS:

(1) LICENSED AS A REGISTERED NURSE AND CERTIFIED AS A NURSE PRACTITIONER UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) PRACTICING IN THE STATE AS A CERTIFIED REGISTERED NURSE PRACTITIONER—PSYCHIATRIC MENTAL HEALTH.

[(f)] (G) “Psychologist” means an individual who is licensed under Title 18 of the Health Occupations Article to practice psychology.

10–616.

(a) (1) A certificate for involuntary admission of an individual under Part III of this subtitle shall:

(i) Be based on the personal examination of the physician, psychologist, or psychiatric nurse practitioner who signs the certificate; and

(ii) Be in the form that the Secretary adopts, by rule or regulation.

(2) The rules and regulations shall require the form to include:

(i) A diagnosis of a mental disorder of the individual;

(ii) An opinion that the individual needs inpatient care or treatment;

and

(iii) An opinion that admission to a facility or Veterans’ Administration hospital is needed for the protection of the individual or another.

(b) A certificate may not be used for admission if the examination on which the certificate is made was done:

(1) More than 1 week before the certificate is signed; or

(2) More than 30 days before the facility or the Veterans’ Administration hospital receives the application for admission.

(c) A certificate may not be used for an admission if the physician [or], psychologist, **OR PSYCHIATRIC NURSE PRACTITIONER** who signed the certificate:

(1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the individual whose status is being certified; or

(2) Is related, by blood or marriage, to the individual or to the applicant.

10–619.

Within 12 hours of notification by a physician [or], licensed psychologist, **OR PSYCHIATRIC NURSE PRACTITIONER** who has certified an individual under Part III of this subtitle, a facility operated by the Department of Health and Mental Hygiene shall receive and evaluate the individual certified for involuntary admission if:

(1) The individual's involuntary admission is not limited by § 10–617 of this subtitle;

(2) An application for admission has been completed;

(3) A certifying physician [or], psychologist, **OR PSYCHIATRIC NURSE PRACTITIONER** is unable to place the individual in a facility not operated by the Department; and

(4) The Department is unable to provide for the placement of the person other than in a facility operated by the Department.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 26, 2016.